

## **REMARKS**

### **Status of the Claims**

Claims 19-20, 22-31, 37-41, 43-58, and 74-77 are currently pending and under examination in this application. Claim 77 was indicated as allowed and Claims 19-20, 22-31, 37-41, 43-58, and 74-76 were rejected in the December 15, 2005, Office Action. New Claims 78 and 79 are presented and Claims 19, 22-27, 37-39, 43-53, 58, and 76 are amended herein. Support for the amendments is found throughout the specification; therefore, the amendments do not introduce new matter into this application.

### **Telephonic Interview with the Patent and Trademark Office**

On January 12, 2006, and April 18, 2006, Examiner Ahmed participated in telephonic interviews with Applicants' undersigned representative. Present with the undersigned was Mr. Todd J. Obijeski. Parties discussed the Final Office Action of December 15, 2005, and the Advisory Action of March 31, 2006. The above amendments and the remarks below reflect the substance of the interview. Applicants and their representatives thank Examiner Ahmed for the helpful suggestions.

### **Rejections Under 35 U.S.C. § 102(b)**

Claims 19-20, 22-31, 37-41, 43-58, and 74-76 were rejected in the Final Office Action under 35 U.S.C. § 102(b), as being anticipated by U.S. Patent No. 2,962,081 to Dobry et al. ("*Dobry*"). Respectfully, in view of the above amendments, Applicants assert that this rejection is obviated.

As discussed during the telephonic interviews, the cross-sectional view of the fine particles and plastic chips of *Dobry* shown schematically in Figure 2 requires that the plastic chips be confined to less than the entire thickness of the sheet. The process to make *Dobry's* sheet, as depicted in Figure 5, further illustrates that the plastic chips **cannot** be distributed throughout the entire thickness of the sheet. In contrast, Applicants' flakes are

distributed **throughout the entire thickness** of a linoleum sheet. To clarify independent Claims 19, 37, and 76, these claims are amended to replace the language, “whole cross section,” with “entire thickness.” Also, the independent claims are amended further to disclose that the thickness of the flakes is less than the thickness of the linoleum sheet, and that the flakes are oriented substantially parallel to the surface of the linoleum sheet. Support for all of these claim amendments is found in, for example, paragraphs [0009], [0010], and [0030] and Figures 1 and 3 in the published application of the present invention, Patent Application Publication No. US2002/002010128.

Thus, *Dobry* does not teach or suggest every element of the claimed invention. Accordingly, Applicants respectfully request that the rejection of Claims 19-20, 22-31, 37-41, 43-58, and 74-76 under 35 U.S.C. §102(b) as being anticipated by *Dobry* be withdrawn.

#### **New Claims and Additional Claim Amendments**

New Claims 78 and 79 are presented which recite features of Claims 19 and 37, respectively, that were removed from these claims as amended. Additionally, dependent claims are amended herein to reflect the proper claim dependency, and to correct minor typographical and clerical errors.

Claim 76 is amended to incorporate additional features of the planar structure. Support for this amendment is found in paragraphs [0009] and [0019] in the published application, Patent Application Publication No. US2002/002010128.

### CONCLUSION

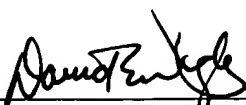
The foregoing is submitted as a full and complete Amendment and Response to the Final Office Action dated December 15, 2005, and the Advisory Action dated March 31, 2006. For at least the reasons given above, Applicants respectfully submit that Claims 19-20, 22-31, 37-41, 43-58, and 74-79 define patentable subject matter. Accordingly, Applicants request allowance of these claims.

No fees are believed due, however, the Commissioner is hereby authorized to charge any deficiencies which may be required, or credit any overpayment to Deposit Order Account No. 09-0528.

Should the Examiner believe that anything further is necessary in order to place the application in better condition for allowance, the Examiner is respectfully requested to contact Applicants' representative at the telephone number listed below.

Respectfully submitted;

May 15, 2006  
Date

  
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